

# **EXHIBIT 18**

# Jail-based polling locations: A way to fight voter disenfranchisement

## Evidence from seven jail-based polling locations shows that it is not only feasible but effective.

by [Naila Awan](#), October 25, 2022

Most of the more than 600,000 people locked up in jails are detained pretrial, and therefore, legally innocent. And, in most states people detained in jails on a misdemeanor conviction remain eligible to vote. This means that those who met the voter registration qualifications in their state at the time of their incarceration remain eligible to vote in elections. In fact, the [Supreme Court has ruled](#) that not only are they eligible to vote, they have a right to cast an absentee ballot just like any other voter who cannot vote in person. However, as we detailed in our report [Eligible but Excluded: A guide to removing the barriers to jail voting](#), an insurmountable series of obstacles <sup>1</sup> and a lack of awareness <sup>2</sup> prohibit most of them from doing so.

*When people know they can vote from jail, they will vote.*

In recent years, advocates have successfully pressured a small but growing list of governments to address some of these obstacles by establishing polling locations inside local jails where eligible, detained voters can cast their ballots. We have found seven jails that make in-person voting available:

- Cook County Jail (Chicago, Ill.) [↗](#)
- D.C. Central Detention Facility (Washington, D.C) [↗](#)
- Denver County Jail and Van Cise-Simonet Detention Center (both Denver, Colo.) [↗](#)
- Harris County Jail (Houston, Texas) [↗](#)
- Century Regional Detention Facility (Los Angeles, Calif.) [↗](#)
- Will County Detention Center (Joliet, Ill.) [↗](#)

Data about voter turnout at these jails is hard to come by, so it is difficult to know exactly how many eligible, detained voters have used these polling locations. However, the emerging evidence shows, when combined with outreach and education to ensure incarcerated voters know what steps they must take to cast their ballots, jail-based polling locations are not only feasible, they're effective: when people know they *can* vote from jail, they *will* vote.

### Cook County, Illinois

The Cook County Jail first established its jail-based polling location in 2020.

During the 2020 general election, when two weekends of early in-person voting were available, [more than 2,000 of the 5,400 people in the jail](#) (or about 37% of the jail's population) cast a ballot.

In the June 2022 primary, roughly 25% of people detained at the jail (1,384 of the 5,560 people) cast their ballots. This location was so successful that people at the jail actually [voted at a higher rate](#) than

registered voters in the city of Chicago (20%).<sup>3</sup> About half of these voters were able to cast ballots because [same-day registration](#) was also available.

By contrast, in the 2018 primary election — before the Cook County Jail provided in-person voting and allowed people detained in the jail to register and vote at the same time — [only 394 of the over 6,000 people detained in the jail](#) (less than 7%) cast an absentee ballot.<sup>4</sup>

## Washington, D.C.

The District of Columbia has facilitated voting at the D.C. jail for more than a decade. [In 2012](#), 88 men voted in-person at the D.C. jail.

In 2020, the D.C. Council also [passed legislation](#) to abolish felony disenfranchisement and allow D.C. residents incarcerated for a felony conviction to vote, further expanding the number of people eligible to cast their ballots from jail. While this was unquestionably the right thing to do, it makes it a bit difficult to trace turnout patterns. Recent data about incarcerated voting does not break down the number of D.C. residents who have voted in person at the jail versus in prison. In November 2020, [562 incarcerated D.C. residents registered to vote and 264 of them cast ballots](#) — but we don't know how many of these voted while detained in jail.<sup>5</sup>

## Denver, Colorado

In 2020, voters confined in Denver, Colorado, could cast ballots in person for the first time. [On November 2 and 3](#), [136 eligible voters](#) in the Denver County Jail and Van Cise-Simonet Detention Center cast in-person ballots.

## Harris County, Texas

In November 2021, Harris County, Texas established a pilot program to allow people in the county jail to vote at a jail-based polling place. [To be eligible](#), voters had to have been arrested on or after the absentee ballot request deadline (October 22, 2021), already be registered to vote, not be on probation or parole, and meet all other voter qualification requirements.<sup>6</sup>

That year, [96 people voted from the jail](#) during the county's local elections. While this number may seem small, it came very close to the [100 people](#) who Durrell Douglas, founder and executive director of Project Orange, a group that helps people in Harris County Jail access the ballot, estimated would be eligible to vote under the pilot requirements. Harris County also saw [“a major jump in \[the number of jailed voters\] who voted by mail, indicating an increased awareness of their right to a ballot.”](#)

During the county's March 1, 2022 primary election, [13 of the estimated 26 people eligible to vote at the jail cast a ballot](#).

## Los Angeles, California

Los Angeles County allows certain people who are detained in their jail [to cast ballots in person](#).

In 2020, the Los Angeles County Registrar-Recorder and Sheriff [announced the “We All Count” campaign](#), which aimed to provide voter education information to people detained in LA County jails and assist eligible voters with registration and the voting process.

While incarcerated voters in most facilities cast their vote by mail-in ballot, in February 2020 a pilot program at the Century Regional Detention Facility (CRDF) allowed [certain qualified women voters](#) to cast their ballots in person. In total, [35 ballots were cast at the CRDF jail polling location](#), and [2,200 people incarcerated in LA jails were registered](#) through the “We All Count” campaign.<sup>7</sup>

Unfortunately, shortly after it was launched, the CRDF’s jail-based polling location was suspended because of the COVID pandemic. However, it returned in [June 2022](#) for the primary election. Several women voted in person<sup>8</sup> and the LA County Clerk plans to continue and expand the program for the November 2022 election.

## Will County, Illinois

In June 2022, Will County became the second Illinois county to establish a polling location at its jail. [Approximately 600 people are detained in Will County Jail](#), and according to county election officials, in June 2022, 48 people in the jail (approximately 8%) voted. 28 of these individuals cast ballots in the Democratic primary and 20 cast ballots in the Republican primary.

## What to make of this data?

*Jurisdictions should ensure anyone detained on Election Day is eligible to both register and vote at the jail.*

The early results from these seven facilities show the promise and possibilities of jail-based voting locations. However, they also make clear that simply setting up jail voting sites is not enough. Awareness of voter eligibility requirements, access to voter registration, the rules that determine who qualifies to use the polling location, and when voting is available can significantly impact turnout.

Local governments seeking to establish or improve jail-based voting locations should:

- Do more to raise awareness of the availability of the polling location and any voting eligibility requirements.
- Allow all eligible voters detained at the jail — regardless of when they were first detained — to cast a ballot at the polling location.
- Provide in-person voting at the jail on Election Day, not merely during the early voting period.<sup>9</sup>
- Take advantage of same-day registration if it is available.
- Work to ensure that any ID requirements are able to be satisfied by eligible voters who are attempting to register or cast a ballot in jail.

It is time to act to ensure that eligible voters who find themselves behind bars on Election Day are able to exercise their fundamental right to vote.<sup>10</sup> As the examples above show, there is increasing momentum to make democracy more accessible to people behind bars. To maximize the impact and use of jail-based polling sites, **jurisdictions should ensure anyone detained on Election Day is eligible to both register and vote at the jail**, and that voter ID or other requirements do not act as obstacles to voting.<sup>11</sup>

*Note: After publication of this piece, we learned there is also a jail-based polling location in Flint, Michigan.*

## Are there places we missed?

If there is a jail-based polling site in your county not referenced here, [let us know](#).

## Footnotes

1. For example, in some states, people who are incarcerated may have difficulties meeting absentee ballot voter ID or notary requirements. Many additional logistical details, such as whether a person is detained near or after the absentee ballot request deadline, whether they can access commissary in time to obtain stamps and mail the absentee ballot request form, whether they can contact their local board of elections with any questions, whether they are able to meet the mailing and postage requirements for their absentee ballot, and whether they are able to be informed of any problems with their ballot and fix those problems, also impact whether a person who is detained can participate in the political process. [↩](#)
2. Across multiple states, advocates and government officials noted that qualified voters detained in jail were often unaware that they were allowed to cast a ballot. For example:
  - A representative of Speak Up and Vote in Illinois [noted](#) that people detained in jail frequently “didn’t realize they’re eligible to vote, so they didn’t try.”
  - An individual working with the Denver Sheriff Department [stated](#) that many people in jail “told us this was their first time voting and they had no idea they had the right the vote.”
  - The Sheriff in Harris County, Texas [noted](#) that the “majority of people involved in the justice system don’t vote due to a lack of information on voting.” [↩](#)
3. Because Illinois is one of the states that bars people who are serving time for a [misdemeanor](#) conviction from voting, in addition to those in custody who are serving a sentence for a felony or who have been found guilty of a felony but not yet sentenced, some of the jail’s total population may not have been eligible to vote. [↩](#)
4. Given that groups in Chicago have actively worked to facilitate voting and registration in Cook County Jail for a number of years, this level of participation is higher than what would be expected in many other jails in the country that do not have a polling place. [↩](#)
5. Participation rates seem poised to increase: By mid-2021, the number of incarcerated D.C. residents registered to vote had already increased to 650, [355 of them under Bureau of Prison custody and 295 in D.C. Department of Corrections custody](#). [↩](#)
6. Project Orange helped voters who were detained before the absentee ballot request deadline [submit a ballot request form](#). [↩](#)
7. More details about this program are available in the Los Angeles County Registrar-Recorder/County Clerk’s [Weekly Status Report — March 3rd Election](#). [↩](#)

8. Correspondence with the LA County Registrar's Office indicated that "[t]he majority of those that voted also utilized Conditional Voter Registration," otherwise known as same-day registration, and "were able to register and vote on the spot." ↩
9. Even when there is a jail-based polling location in place, some detained people may still be prevented from voting, depending on their circumstances. For example, in places where in-person voting is only available to people who were arrested *after* the deadline to request an absentee ballot, individuals who were arrested before that deadline but didn't request an absentee ballot because they anticipated being released before Election Day would find themselves unable to vote if they remain in custody on Election Day. Similarly, in places where the jail polling site is only operational before Election Day (such as on weekends during an early voting period), people who are taken into custody *after* the polling site closes and remain detained through Election Day would find themselves unable to vote. ↩
10. While establishing jail-based polling locations may at times require a change to state law (as was the case [Illinois](#)), other times no legislative change is necessary (as was the case in [Harris County, Texas](#)). ↩
11. For example, the Harris County Sheriff [noted](#) that "[c]asting a ballot while incarcerated also has extra hoops to jump through: Texas requires a photo ID to vote, but the jail confiscates incarcerated people's possessions, including photo ID." Further, the Office of the Clerk and Recorder in the City and County of Denver [stated](#) that accessibility to IDs was an obstacle preventing people in jails from meeting a prerequisite for voting (registration), so legislation was passed to create a new form of identification for people who are confined in the jail by placing requiring jail administrators to provide necessary identification information to election officials. ↩